

KEVIN V. RYAN (CSBN 118321)  
United States Attorney  
EUMI L. CHOI (WVBN 0722)  
Chief, Criminal Division  
EMILY J. KINGSTON (CSBN 184752)  
Assistant United States Attorney  
450 Golden Gate Avenue, 11th Floor  
San Francisco, California 94102  
Telephone: (415) 436-7000  
Facsimile: (415) 436-6748  
[emily.kingston@usdoj.gov](mailto:emily.kingston@usdoj.gov)  
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, ) No. CR-05-00216-WHA  
Plaintiff, )  
v. )  
LEROY E. FRITTS, and )  
RODERICK ALYN PRESCOTT, )  
Defendants. )  
\_\_\_\_\_  
**[Proposed] SPEEDY TRIAL**

On June 29, 2005, the defendants, Leroy E. Fritts and Roderick Alyn Prescott, were charged in a Superseding Indictment with two counts each of tax evasion in violation of 26 U.S.C. § 7201, and one count of conspiracy to defraud the United States in violation of 18 U.S.C. § 371. Mr. Fritts was additionally charged with one count of witness tampering in violation of 18 U.S.C. § 1512(b). Mr. Fritts was arraigned on August 10, 2005. Mr. Prescott was arraigned on August 16, 2005.

The parties appeared before the Court on August 16, 2005, for a status conference. During the hearing, the Court set the matter over to October 4, 2005, at 2:00 p.m. The parties agree that the time between August 16, 2005, and October 4, 2005, is properly excludable under the Speedy Trial Act due to the complexity of the case and for the continuity and effective preparation of counsel pursuant to 18 U.S.C. § 3161(h)(8)(A) and (B)(ii) and (iv), and that the ends of justice to be served in excluding the time between these dates outweighs the public's and the defendants' interests in a speedy trial.

1 Accordingly, the parties respectfully request that the Court exclude time from August 16,  
2 2005, through October 4, 2005, due to the complexity of the case and for the continuity and  
3 effective preparation of counsel pursuant to 18 U.S.C. § 3161(h)(8)(A) & (B)(ii) and (iv).

4 Respectfully submitted,

5 KEVIN V. RYAN  
United States Attorney

7 Dated: August 16, 2005

/s/ Emily J. Kingston  
EMILY J. KINGSTON  
Assistant United States Attorneys  
Attorneys for the United States of America

10 BARRY J. PORTMAN  
Federal Public Defender

12 Dated: August 16, 2005

/s/ David Fermoio  
DAVID FERMINO  
Assistant Public Defender  
Attorneys for Defendant Leroy E. Fritts

15 Dated: August 16, 2005

/s/ Joel F. Hansen  
JOEL F. HANSEN  
Attorney for Defendant Roderick Alyn Prescott

18 **ORDER**

19 IT IS HEREBY ORDERED that the time from August 16, 2005, through October 4,  
20 2005, is excluded under the Speedy Trial Act pursuant to 18 U.S.C. §3161(h)(8)(A) and (B)(ii)  
21 and (iv), based on the reasons set forth above.

24 Dated: August 22, 2005

